



General Assembly

Substitute Bill No. 6053

January Session, 2011

* HB06053HS 032311 *

AN ACT CONCERNING DOMESTIC VIOLENCE AND CHILD TRAUMA.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 46b-38b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2011*):

4 (d) It shall be the responsibility of the peace officer at the scene of a
5 family violence incident to provide immediate assistance to the victim.
6 Such assistance shall include, but not be limited to: (1) Assisting the
7 victim to obtain medical treatment if such treatment is required; (2)
8 notifying the victim of the right to file an affidavit for a warrant for
9 arrest; (3) informing the victim of services available [and] including,
10 providing the victim with information concerning a regional domestic
11 violence organization that provides services by licensed professional
12 counselors who are trained in providing trauma-informed care or
13 makes referrals to such counselors; (4) referring the victim to the Office
14 of Victim Services; and [(4)] (5) providing assistance in accordance
15 with the uniform protocols for treating victims of family violence
16 whose immigration status is questionable established pursuant to
17 subsection (g) of this section. In cases where the officer has determined
18 that no cause exists for an arrest, assistance shall include: (A)
19 Assistance as provided in [subdivisions (1) to (4), inclusive, of] this
20 subsection; and (B) remaining at the scene for a reasonable time until,

21 in the reasonable judgment of the officer, the likelihood of further
22 imminent violence has been eliminated. The peace officer shall report
23 to the Department of Children and Families in accordance with
24 sections 17a-101 to 17a-101d, inclusive, and section 17a-103. For
25 purposes of this subsection, "trauma-informed care" means services
26 directed by a thorough understanding of the neurological, biological,
27 psychological and social effects of trauma and violence on an
28 individual.

29 Sec. 2. Section 46b-38c of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective July 1, 2011*):

31 (a) There shall be family violence response and intervention units in
32 the Connecticut judicial system to respond to cases involving family
33 violence. The units shall be coordinated and governed by formal
34 agreement between the Chief State's Attorney and the Judicial
35 Department.

36 (b) The Court Support Services Division, in accordance with the
37 agreement between the Chief State's Attorney and the Judicial
38 Department, shall establish within each geographical area of the
39 Superior Court a local family violence intervention unit to implement
40 sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and 54-1g. The
41 Court Support Services Division shall oversee direct operations of the
42 local units.

43 (c) Each such local family violence intervention unit shall: (1) Accept
44 referrals of family violence cases from a judge or prosecutor, (2)
45 prepare written or oral reports on each case for the court by the next
46 court date to be presented at any time during the court session on that
47 date, (3) provide or arrange for services to victims and offenders, (4)
48 administer contracts to carry out such services, and (5) establish
49 centralized reporting procedures. All information provided to a family
50 relations counselor, family relations counselor trainee or family
51 services supervisor employed by the Judicial Branch in a local family
52 violence intervention unit shall be used solely for the purposes of

53 preparation of the report and the protective order forms for each case
54 and recommendation of services and shall otherwise be confidential
55 and retained in the files of such unit and not be subject to subpoena or
56 other court process for use in any other proceeding or for any other
57 purpose, except that a family relations counselor, family relations
58 counselor trainee or family services supervisor employed by the
59 Judicial Branch:

60 (A) Shall disclose to the court and the prosecuting authority for
61 appropriate action information that the victim has indicated that the
62 defendant holds a permit to carry a pistol or revolver or possesses one
63 or more firearms;

64 (B) [May] Shall disclose to an employee of the Department of
65 Children and Families information that indicates that a defendant
66 poses a danger or threat to a child or a custodial parent of the child;

67 (C) May disclose to another family relations counselor, family
68 relations counselor trainee or family services supervisor information
69 pursuant to guidelines adopted by the Chief Court Administrator;

70 (D) May disclose to a bail commissioner employed by the Judicial
71 Branch information regarding a defendant who is on or is being
72 considered for pretrial release;

73 (E) May disclose to a law enforcement agency information that
74 indicates that a defendant poses a danger or threat to another person;

75 (F) May disclose, after disposition of a family violence case, (i) to a
76 probation officer or a juvenile probation officer, for purposes of
77 determining service needs and supervision levels, information
78 regarding a defendant who has been convicted and sentenced to a
79 period of probation in the family violence case, and (ii) to
80 organizations under contract with the Judicial Branch to provide
81 family violence programs and services, for purposes of determining
82 program and service needs, information regarding defendants who are
83 their clients; and

84 (G) [The family relations counselor, family relations counselor
85 trainee or family services supervisor shall] Shall disclose such
86 information as may be necessary to fulfill [such counselor's, trainee's or
87 supervisor's] a family relations counselor's, a family relations
88 counselor trainee's or a family services supervisor's duty as a
89 mandated reporter under section 17a-101a to report suspected child
90 abuse or neglect.

91 (d) In all cases of family violence, a written or oral report and
92 recommendation of the local family violence intervention unit shall be
93 available to a judge at the first court date appearance to be presented at
94 any time during the court session on that date. A judge of the Superior
95 Court may consider and impose the following conditions to protect the
96 parties, including, but not limited to: (1) Issuance of a protective order
97 pursuant to subsection (e) of this section; (2) prohibition against
98 subjecting the victim to further violence; (3) referral to a family
99 violence education program for batterers; and (4) immediate referral
100 for more extensive case assessment. Such protective order shall be an
101 order of the court, and the clerk of the court shall cause (A) a copy of
102 such order to be sent to the victim, and (B) a copy of such order, or the
103 information contained in such order, to be sent by facsimile or other
104 means within forty-eight hours of its issuance to the law enforcement
105 agency for the town in which the victim resides and, if the defendant
106 resides in a town different from the town in which the victim resides,
107 to the law enforcement agency for the town in which the defendant
108 resides. If the victim is employed in a town different from the town in
109 which the victim resides, the clerk of the court shall, upon the request
110 of the victim, send, by facsimile or other means, a copy of such order,
111 or the information contained in such order, to the law enforcement
112 agency for the town in which the victim is employed within forty-eight
113 hours of the issuance of such order.

114 (e) A protective order issued under this section may include
115 provisions necessary to protect the victim from threats, harassment,
116 injury or intimidation by the defendant, including, but not limited to,

117 an order enjoining the defendant from (1) imposing any restraint upon
118 the person or liberty of the victim, (2) threatening, harassing,
119 assaulting, molesting or sexually assaulting the victim, or (3) entering
120 the family dwelling or the dwelling of the victim. A protective order
121 issued under this section may include provisions necessary to protect
122 any animal owned or kept by the victim including, but not limited to,
123 an order enjoining the defendant from injuring or threatening to injure
124 such animal. Such order shall be made a condition of the bail or release
125 of the defendant and shall contain the following language: "In
126 accordance with section 53a-223 of the Connecticut general statutes,
127 any violation of this order constitutes criminal violation of a protective
128 order which is punishable by a term of imprisonment of not more than
129 five years, a fine of not more than five thousand dollars, or both.
130 Additionally, in accordance with section 53a-107 of the Connecticut
131 general statutes, entering or remaining in a building or any other
132 premises in violation of this order constitutes criminal trespass in the
133 first degree which is punishable by a term of imprisonment of not
134 more than one year, a fine of not more than two thousand dollars, or
135 both. Violation of this order also violates a condition of your bail or
136 release, and may result in raising the amount of bail or revoking
137 release." Every order of the court made in accordance with this section
138 after notice and hearing shall also contain the following language:
139 "This order is accorded full faith and credit pursuant to 18 USC Section
140 2265, as amended from time to time." The information contained in
141 and concerning the issuance of any protective order issued under this
142 section shall be entered in the registry of protective orders pursuant to
143 section 51-5c.

144 (f) The Judicial Branch may establish, within available
145 appropriations, a pilot program in three judicial districts for the
146 purpose of using electronic monitoring in accordance with this
147 subsection. Such pilot program shall be conducted in at least one
148 judicial district that contains an urban area, as defined in section 4b-13,
149 and at least one judicial district that does not contain such an urban
150 area. Pursuant to such pilot program, the court may order that any

151 person appearing in such judicial district who is charged with the
152 violation of a restraining order or a protective order, and who has been
153 determined to be a high-risk offender by the family violence
154 intervention unit, be subject to electronic monitoring designed to warn
155 law enforcement agencies, a state-wide information collection center
156 and the victim when the person is within a specified distance of the
157 victim, if the court finds that such electronic monitoring is necessary to
158 protect the victim, provided the cost of such electronic monitoring is
159 paid by the person who is subject to such electronic monitoring,
160 subject to guidelines established by the Chief Court Administrator. If
161 the court orders that such person be subject to electronic monitoring,
162 the clerk of the court shall send, by facsimile or other means, a copy of
163 the order, or the information contained in any such order, to the law
164 enforcement agency or agencies for the town in which the person
165 resides. The Judicial Branch shall cease operation of any pilot program
166 established under this subsection not later than March 31, 2011, unless
167 resources are available to continue operation of the pilot program.

168 (g) In cases referred to the local family violence intervention unit, it
169 shall be the function of the unit to (1) identify victim service needs and,
170 by contract with victim service providers, make available appropriate
171 services that include, but are not limited to, the provision of trauma-
172 informed care by a licensed professional counselor or a referral to such
173 a counselor, and (2) identify appropriate offender services and where
174 possible, by contract, provide treatment programs for offenders. For
175 purposes of this subsection, "trauma-informed care" means services
176 directed by a thorough understanding of the neurological, biological,
177 psychological and social effects of trauma and violence on an
178 individual.

179 (h) There shall be a pretrial family violence education program for
180 persons who are charged with family violence crimes. At a minimum,
181 such program shall inform participants of the basic elements of family
182 violence law and applicable penalties. The court may, in its discretion,
183 invoke such program on motion of the defendant when it finds: (1)

184 That the defendant has not previously been convicted of a family
185 violence crime which occurred on or after October 1, 1986; (2) the
186 defendant has not had a previous case assigned to the family violence
187 education program; (3) the defendant has not previously invoked or
188 accepted accelerated rehabilitation under section 54-56e for a family
189 violence crime which occurred on or after October 1, 1986; and (4) that
190 the defendant is not charged with a class A, class B or class C felony, or
191 an unclassified felony carrying a term of imprisonment of more than
192 ten years, or unless good cause is shown, a class D felony or an
193 unclassified offense carrying a term of imprisonment of more than five
194 years. Participation by any person in the accelerated pretrial
195 rehabilitation program under section 54-56e prior to October 1, 1986,
196 shall not prohibit eligibility of such person for the pretrial family
197 violence education program under this section. The court may require
198 that the defendant answer such questions under oath, in open court or
199 before any person designated by the clerk and duly authorized to
200 administer oaths, under the penalties of perjury as will assist the court
201 in making these findings. The court, on such motion, may refer the
202 defendant to the family violence intervention unit, and may continue
203 the defendant's case pending the submission of the report of the unit to
204 the court. The court shall also give notice to the victim or victims that
205 the defendant has requested assignment to the family violence
206 education program, and, where possible, give the victim or victims
207 opportunity to be heard. Any defendant who accepts placement in the
208 family violence education program shall agree to the tolling of any
209 statute of limitations with respect to the crime or crimes with which
210 the defendant is charged, and to a waiver of the defendant's right to a
211 speedy trial. Any such defendant shall appear in court and shall be
212 released to the custody of the family violence intervention unit for
213 such period, not exceeding two years, and under such conditions as
214 the court shall order. If the defendant refuses to accept, or, having
215 accepted, violates such conditions, the defendant's case shall be
216 brought to trial. If the defendant satisfactorily completes the family
217 violence education program and complies with the conditions imposed
218 for the period set by the court, the defendant may apply for dismissal

219 of the charges against the defendant and the court, on finding
220 satisfactory compliance, shall dismiss such charges. Upon dismissal all
221 records of such charges shall be erased pursuant to section 54-142a.

222 (i) A fee of two hundred dollars shall be paid to the court by any
223 person who enters the family violence education program, except that
224 no person shall be excluded from such program for inability to pay the
225 fee, provided (1) the person files with the court an affidavit of
226 indigency or inability to pay, and (2) the court enters a finding thereof.
227 All such fees shall be credited to the General Fund.

228 (j) The Judicial Department shall establish an ongoing training
229 program for judges, Court Support Services Division personnel and
230 clerks to inform them about the policies and procedures of sections
231 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and 54-1g, including, but
232 not limited to, the function of the family violence intervention units
233 and the use of restraining and protective orders.

234 Sec. 3. Section 10-222d of the general statutes is repealed and the
235 following is substituted in lieu thereof (*Effective July 1, 2011*):

236 Each local and regional board of education shall develop and
237 implement a policy to address the existence of bullying in its schools.
238 Such policy shall: (1) Enable students to anonymously report acts of
239 bullying to teachers and school administrators and require students to
240 be notified annually of the process by which they may make such
241 reports, (2) enable the parents or guardians of students to file written
242 reports of suspected bullying, (3) require teachers and other school
243 staff who witness acts of bullying or receive student reports of bullying
244 to notify school administrators in writing, (4) require school
245 administrators to investigate any written reports made under this
246 section and to review any anonymous reports, except that no
247 disciplinary action shall be taken solely on the basis of an anonymous
248 report, (5) include a prevention and intervention strategy, as defined
249 by section 10-222g, for school staff to deal with bullying, (6) provide
250 for the inclusion of language in student codes of conduct concerning

251 bullying, (7) require each school to notify the parents or guardians of
252 students who commit any verified acts of bullying and the parents or
253 guardians of students against whom such acts were directed, and
254 invite them to attend at least one meeting, (8) require each school to
255 maintain a list of the number of verified acts of bullying in such school
256 and make such list available for public inspection, and, within
257 available appropriations, report such number to the Department of
258 Education, annually and in such manner as prescribed by the
259 Commissioner of Education, (9) direct the development of case-by-case
260 interventions for addressing repeated incidents of bullying against a
261 single individual or recurrently perpetrated bullying incidents by the
262 same individual that may include both counseling and discipline, and
263 (10) identify the appropriate school personnel, which may include, but
264 shall not be limited to, pupil services personnel, responsible for taking
265 a bullying report and investigating the complaint. The notification
266 required pursuant to subdivision (7) of this section shall include a
267 description of the response of school staff to such acts and any
268 consequences that may result from the commission of further acts of
269 bullying. For purposes of this section, "bullying" means any overt acts
270 by a student or a group of students directed against another student
271 with the intent to ridicule, harass, humiliate or intimidate the other
272 student while on school grounds, at a school-sponsored activity or on a
273 school bus, which acts are committed more than once against any
274 student during the school year and includes acts of dating violence
275 between students. Such policies may include provisions addressing
276 bullying outside of the school setting, including acts of dating violence
277 between students, if it has a direct and negative impact on a student's
278 academic performance or safety in school. Not later than February 1,
279 2009, each local and regional board of education shall submit the
280 policy developed pursuant to this section to the Department of
281 Education. Not later than July 1, 2009, each local or regional board of
282 education shall ensure that the policy is included in the school district's
283 publication of the rules, procedures and standards of conduct for
284 schools and in all student handbooks.

285 Sec. 4. Subsection (a) of section 17a-3 of the general statutes is
286 repealed and the following is substituted in lieu thereof (*Effective July*
287 *1, 2011*):

288 (a) The department shall plan, create, develop, operate or arrange
289 for, administer and evaluate a comprehensive and integrated
290 state-wide program of services, including preventive services, for
291 children and youths whose behavior does not conform to the law or to
292 acceptable community standards, or who are mentally ill, including
293 deaf and hearing impaired children and youths who are mentally ill,
294 emotionally disturbed, substance abusers, delinquent, abused,
295 neglected or uncared for, including all children and youths who are or
296 may be committed to it by any court, and all children and youths
297 voluntarily admitted to, or remaining voluntarily under the
298 supervision of, the commissioner for services of any kind. Services
299 shall not be denied to any such child or youth solely because of other
300 complicating or multiple disabilities. The department shall work in
301 cooperation with other child-serving agencies and organizations to
302 provide or arrange for preventive programs, including, but not limited
303 to, teenage pregnancy and youth suicide prevention, for children and
304 youths and their families. The program shall provide services and
305 placements that are clinically indicated and appropriate to the needs of
306 the child or youth. In furtherance of this purpose, the department
307 shall: (1) Maintain the Connecticut Juvenile Training School and other
308 appropriate facilities exclusively for delinquents; (2) develop a
309 comprehensive program for prevention of problems of children and
310 youths and provide a flexible, innovative and effective program for the
311 placement, care and treatment of children and youths committed by
312 any court to the department, transferred to the department by other
313 departments, or voluntarily admitted to the department; (3) provide
314 appropriate services to families of children and youths as needed to
315 achieve the purposes of sections 17a-1 to 17a-26, inclusive, 17a-28 to
316 17a-49, inclusive, and 17a-51; (4) establish incentive paid work
317 programs for children and youths under the care of the department
318 and the rates to be paid such children and youths for work done in

319 such programs and may provide allowances to children and youths in
 320 the custody of the department; (5) be responsible to collect, interpret
 321 and publish statistics relating to children and youths within the
 322 department; (6) conduct studies of any program, service or facility
 323 developed, operated, contracted for or supported by the department in
 324 order to evaluate its effectiveness; (7) establish staff development and
 325 other training and educational programs designed to improve the
 326 quality of departmental services and programs, provided no social
 327 worker trainee shall be assigned a case load prior to completing
 328 training that shall include, but not be limited to, training in the
 329 prevention, identification and effects of family violence, and may
 330 establish educational or training programs for children, youths,
 331 parents or other interested persons on any matter related to the
 332 promotion of the well-being of children, or the prevention of mental
 333 illness, emotional disturbance, delinquency and other disabilities in
 334 children and youths; (8) develop and implement aftercare and
 335 follow-up services appropriate to the needs of any child or youth
 336 under the care of the department; (9) establish a case audit unit to
 337 monitor each area office's compliance with regulations and
 338 procedures; (10) develop and maintain a database listing available
 339 community service programs funded by the department; (11) provide
 340 outreach and assistance to persons caring for children whose parents
 341 are unable to do so by informing such persons of programs and
 342 benefits for which they may be eligible; and (12) collect data sufficient
 343 to identify the housing needs of children served by the department
 344 and share such data with the Department of Economic and
 345 Community Development.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2011</i>	46b-38b(d)
Sec. 2	<i>July 1, 2011</i>	46b-38c
Sec. 3	<i>July 1, 2011</i>	10-222d
Sec. 4	<i>July 1, 2011</i>	17a-3(a)

HS *Joint Favorable Subst.*